

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**In Re:
ELECTRONIC MEANS FOR FILING,
SIGNING, AND VERIFICATION OF
DOCUMENTS**

**ORDER ESTABLISHING PROCEDURE FOR ELECTRONIC SUBMISSION OF DOCUMENTS
CONTAINING FACSIMILE SIGNATURES**

Federal Rule of Civil Procedure 83 and Federal Rules of Bankruptcy Procedure 5005(a)(2), 9011, 9029, and District of New Jersey Local Bankruptcy Rules 5005-1 and 1001-1, authorize this Court to establish practices and procedures for the filing, signing and verification of documents by electronic means; and this Court having entered a *General Order (Electronic Filing Procedures)* on March 27, 2002 (the “General Order”), adopting *Administrative Procedures for Filing, Signing, and Verifying Documents by Electronic Means* (collectively the “*Administrative Procedures*”), and paragraph fourteen of the General Order providing that amendments to the Court’s *Administrative Procedures* may be entered from time to time in keeping with the needs of the Court; and a proposal for electronic submission of documents containing facsimile signatures, having been reviewed by the Court:

IT IS ORDERED that:

1. If an Affiant has properly executed an affidavit, certification, declaration or any other pleading required to be signed under oath or penalty of perjury (*but expressly excluding petitions to commence a bankruptcy case*), and the attorney, as an approved Participant (“Participant”) of the Court’s Electronic Case Filing System (“ECFS”), seeking to electronically file such a document with the Court has not received the original, then the document or pleading may be electronically filed by the Participant upon receipt of a facsimile of the original signature only if attached thereto is a certification of the Participant electronically filing the document or pleading certifying that:

(i) The Affiant has acknowledged the genuineness of the original

signature;

(ii) The original document was executed in completed form prior to facsimile transmission; and

(iii) The document or a copy with an original signature affixed to it will be obtained by the Participant within seven business days after the date the document or pleading with the facsimile signature was electronically filed with the Court;

2. Pursuant to Paragraph II. C. 2 of the Court's *Administrative Procedures*, the document containing the original signature must be maintained in paper form by the Participant for a period not less than seven years from the date of closure of the case or proceeding in which the document is filed. Upon request, the original document must be provided to other parties or the Court for review;

3. Also in accordance with Paragraph II. C. 2 of the Court's *Administrative Procedures*, the document requiring third party signature must be electronically filed by (1) submitting a scanned document containing the facsimile of the third party signature; or (2) by submitting a document displaying the name of the person signing the document, preceded by an "/s/" and typed in the space where the signature would otherwise appear, e.g. "/s/ Jane Doe";

4. Notice to the Bar of this Order shall be provided on the Court's website: www.njb.uscourts.gov.

/s/ Rosemary Gambardella

Dated: November 19th, 2004

Hon. Rosemary Gambardella, Chief Judge
United States Bankruptcy Court
District of New Jersey